

**Stanhope Land Use Board**  
**September 11, 2017**  
**Regular Meeting**  
**Minutes**

**RECEIVED**  
**OCT 17 2017**  
**STANHOPE**  
**BOROUGH**

**CALL MEETING TO ORDER:**

Chairman Maguire called the meeting to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE:**

Chairman Maguire invited all those present to stand in a salute to the colors.

**STATEMENT:**

Adequate notice for this meeting has been provided according to the Open Public Meetings Act, Assembly Bill #1030. Notice for this Meeting was forwarded to the New Jersey Herald and Daily Record on January 10, 2017 and was placed on the municipal bulletin board.

In the event the Board has not addressed all the items on its agenda by 11:00 p.m., and it is of the opinion that it cannot complete the agenda in a reasonable period, the Board may exercise its option to continue this meeting at an agreed time and place, within ten (10) days of this meeting.

At this time, please turn off all cell phones.

**ROLL CALL:**

Nicholas Bielanowski - present

James Benson – present

Michael Depew - absent

Rosemarie Maio – present

Thomas Pershouse - absent

John Rogalo – present

Joseph Torelli - present

Paula Zeliff-Murphy - present

John Maguire – present

Others present: Board Attorney Glenn Gavan, Board Engineer Eric Keller and Board Secretary Ellen Horak

**MINUTES**

**July 10, 2017 Regular Meeting** – On motion by Ms. Zeliff-Murphy, seconded by Mr. Bielanowski, the Minutes of the July 10, 2017 meeting were approved on majority voice vote. Mr. Benson, Mayor Maio and Mr. Rogalo abstained.

**CORRESPONDENCE**

07-14-17 New Jersey Planning Officials – The New Jersey Planner (May/June)

07-18-17 Eric Keller – Resolution Compliance Review #2 re: Vincenzo Bruzzese, Blk 11207, Lot 1  
Final Site Plan with Variances

07-31-17 Stephen Solecki – additional information for Completeness Review

08-08-17 Careaga Engineering – Revised plans and Response to Technical Review Comments re:  
Leavy, Blk 11304, Lots 6 & 7 Variance Application

08-11-17 Eric Keller, Board Engineer -Technical Review #2 re: Blk 11304, Lots 6 & 7 Variance  
Application (Ryan Leavy)

08-15-17 Dana Mooney, CFO – 2018 Budget Request

09-01-17 Careaga Engineering – 2<sup>nd</sup> Revised plans and Response to Technical Review Comments re:  
Leavy, Blk 11304, Lots 6 & 7 Variance Application

09-08-17 Eric Keller, Board Engineer -Technical Review #3 re: Blk 11304, Lots 6 & 7 Variance  
Application (Ryan Leavy)

On motion by Mayor Maio, seconded by Ms. Zeliff-Murphy and carried by unanimous voice vote, the Correspondence List was accepted and placed on file.

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS:

Chairman Maguire opened the meeting to the public for non-agenda items. Seeing no one from the public wishing to speak, Chairman Maguire closed the public portion of the meeting.

COMPLETENESS

**17-02, Steve Solecki**

Block 11001, Lot 7.02 Variance Application

Application Rec'd: 6/30/17

45 days: 08/14/17

Deemed Incomplete: 7/10/17

Chairman Maguire stated the Completeness Review Committee reviewed the application and recommends it be deemed complete. On motion by Mr. Torelli, seconded by Mr. Bielanowski and carried by the following unanimous roll call vote, 17-02, Steve Solecki variance application for Block 11001, Lot 7.02 was deemed complete.

AFFIRMATIVE: Mr. Bielanowski, Mr. Benson, Mayor Maio, Mr. Rogalo, Mr. Torelli, Ms. Zeliff-Murphy, Chairman Maguire

OPPOSED: None

ABSTENSIONS: None

The hearing on this application will be scheduled for the October 16, 2017 meeting. The Board agreed there is no need to forward this application to the Board Engineer.

UNFINISHED HEARING:

**17-01, Ryan Leavy**

Block 11304, Lot 6 & 7, Variance Application

Deemed Complete: 6/12/17

120 days: 10/10/17

Jeffrey Careaga of the firm of Careaga Engineering came forward. Mr. Gavan reminded Mr. Careaga that he remains under oath. Mr. Careaga directed the Board to Sheet #3 of the most recent set of plans with the last revision date of August 28, 2017. Mr. Careaga stated to minimize impervious coverage they reduced the size of the mud room to 8' x 6'. They also addressed the items in Mr. Keller's letter. They reconfigured the entrance of the driveway and it now meets the Borough's requirements. They still need a variance for the slope of the driveway. Vehicles will be able to go in and out without bottoming out. The site grading was updated to address the comments in Mr. Keller's September 8, 2017 letter. All items in Mr. Keller's letter have been addressed with the exception of #6. In his letter, Mr. Keller expressed concern with stormwater runoff getting into the inlet and he asked for curbing. Mr. Careaga suggested moving the inlet to the end of the driveway. Mr. Keller agreed. It will catch the driveway runoff. Mr. Careaga will make the revision to the plans. The other main concern of Mr. Keller was the drywell. It is noted that the drywell depth is 9.25 feet which does not provide the required separation between the bottom of the drywell and bedrock. Mr. Keller's concern is that the water has no place to infiltrate below the drywell and runs along the bedrock and pops out downslope. This issue can be worked out during construction and can be made a condition of any approval granted by the Board. Mr. Careaga stated there is plenty of room to adjust the size of the seepage pit if needed. Mr. Keller noted item #2 in his letter, saying they need a sewer clean out right before the house and

before it goes into the right of way. Mr. Careaga was agreeable to this change. Mr. Careaga expressed his opinion that he has addressed all Mr. Keller's concerns.

Mr. Keller stated the impervious coverage has been reduced by about 30% since the last application which is about 500 square feet. They are still 490 square feet over what is permitted. The layout of the house requires the driveway to go to the back which is what is putting the impervious coverage over the allowable amount. Chairman Maguire questioned water that falls in the front yard and backyard. Mr. Keller stated run-off from the front will go into the seepage pit. Ms. Zeliff-Murphy asked if there is a landscape plan. Mr. Careaga responded in the negative. Ms. Zeliff-Murphy noted that one tree will be removed from the property, adding trees will help with the water. Chairman Maguire asked about putting other trees and shrubs on the lot. Mr. Keller noted there are opportunities for shade trees to be planted and it would be a reasonable condition of the Board.

Ryan Leavy was sworn in. Mr. Leavy testified that he is the owner of the property. Mr. Leavy stated there are a number of trees on the perimeter of the property and along the north side of the house. There is also a bush that goes along the west side of the property, that are in between both houses. The plantings along the north property line are on his property. The trees in the back are off his property. Mr. Gavan asked if Mr. Leavy would be willing to plant trees. Mr. Leavy responded it would depend, adding he would be willing to put in a bush but is hesitant to put trees on the lot. Mr. Keller noted trees would be better than shrubs to absorb the water and he would prefer to have them in the rear yard because that is downstream of the seepage pit. He has a concern that should be addressed about property owners on Main Street getting water on their property. Mr. Keller recommended 2 or possible 3 shade trees, i.e. maple. Mr. Leavy agreed to planting shade trees on the lot. Mr. Keller suggested the Board include a condition of planting up to 3 trees and leaving the final location and number of trees to the Board's Engineer's discretion. Mr. Keller added this would be a condition to any approval, but it does not mean that Mr. Leavy cannot plan anything else on the property.

Ms. Maio noted there was a question about whether or not there was going to be provided floor plans. Mr. Keller stated he has the foundation plans that shows the layout. The architectural plans need to show the basement and can be made a condition of the approval. Mr. Keller would like to have a floor plan of the basement drawn by the architect or, if the manufacturer can provide a floor plan of the basement. Ms. Maio noted there was also a question about whether or not there was going to be a bathroom in the basement. Mr. Keller stated item #2 in his review letter shows the basement will be sewered so if the applicant wants to put a bathroom in he can. Mr. Leavy said it is his intention to put a half bathroom in the basement and he is going to try and not need to have a pump.

Chairman Maguire opened the meeting to the public for questions on this application. See no one from the public wishing to speak, Chairman Maguire closed the public portion of the meeting.

On motion by Mr. Rogalo, seconded by Mr. Torelli and carried by the following unanimous roll call vote, the Board approved the variance application of Ryan Leavy for Block 11304, Lot 6 & 7 with the following conditions: items #2, #6 and #9 of Mr. Keller's September 8, 2017 report be addressed; architectural drawings of the basement be provided; a maximum of 3 trees be planted in the rear yard to the satisfaction of the Board Engineer, prepare an engineering estimate of the site improvements to establish an engineering escrow and, also to have a separate calculation of the improvement in the right of way due to the fact a performance bond will be required to dig up the street; and to obtain Soil Conservation District approval.

AFFIRMATIVE: Mr. Bielanowski, Mr. Benson, Mayor Maio, Mr. Rogalo, Mr. Torelli, Ms. Zelif-Murphy, Chairman Maguire  
OPPOSED: None  
ABSTENSIONS: None

NEW HEARING:

**17-03, Juntos Holdings, LLC**

Block 11205, Lot 4.01, Interpretation

Application Rec'd: 8/15/17

Mr. Gavan stated this is a Zoning Board type of application and therefore, the Class I members must step down. Ms. Zelif-Murphy also stepped down as a property owner within 200 feet of the property. Mr. Gavan also stated under the laws of the State of New Jersey, any LLC must be represented by an attorney in any proceedings. Mr. Yelinko stated it is a sole-owner LLC; however, the sole owner, who is his wife, is not available. Mr. Gavan informed the Board that as a single member LLC, the requirement for an attorney is waived under the law. Mr. Yelinko said he is a representative of the sole proprietor. Mr. Gavan stated there is no written statement from the sole owner indicating Mr. Yelinko is her representative and authorized to speak on her behalf. The Board has the option of carrying this matter until the owner can be present, or, hear the testimony, but not make a decision until the sole owner is present and agrees with the testimony given. The Board agreed to proceed and hear the testimony, but take no action until the next meeting when the owner can confirm the testimony.

Brian Yelinko was sworn in. Mr. Yelinko testified he was sent by the owner of the single owner LLC known as Juntos Holdings, LLC, who was not able to attend this meeting and asked him to present her case. Mr. Yelinko stated they recently purchased the building and, which was a beverage (soda) manufacturing facility back in the 1930's – 1940's. A friend of theirs was looking for a location to brew his beer that he presently brews at his home. Obtaining the required municipal, state and federal approval is a lengthy process and will take over a year to accomplish. Mr. Yelinko spoke to Arlene Fisher who told him there was nothing in the zoning ordinance dealing with a brewery. They were instructed to come before the Board and explain their intent.

Kurt Harsley was sworn in. Mr. Harsley testified he currently brews from his home for consumption in his home. He will need to have state and federal inspections before he opens his operation. The first step is the municipality's approval, then the state and then the federal government. Once the equipment is in place and ready to go they cannot produce anything until they have their state and federal license. For the first year of business the brewery will not be open to the public. They cannot get their license until the equipment is in place and the brewery is ready for inspection by the state and federal officials. After the brewery is established in local bars and restaurants in the first year they will add public tasting hours at the brewery.

Chairman Maguire asked what is required to bring material in for brewing. Mr. Yelinko responded it would be via common carrier (small trucks). Chairman Maguire noted there is a well on the property and he asked if they would be using it. Mr. Yelinko responded he was not aware there was a well on the property. Mr. Yelinko stated they will need to upgrade the water pipes. Chairman Maguire stated the water issue will need to be addressed with the Borough's DPW. Chairman Maguire asked how much of the building will be used for the brewery. Mr. Yelinko responded about 2,000 square feet. The building is 28,000 square feet. The rest is currently being used for storage of their game products. They have several different companies and the parent company manufactures games i.e. card games,

board games. Chairman Maguire asked about truck traffic for the game company. Mr. Yelinko responded there are tractor trailers that come in.

Mr. Gavan noted a comment about "tastings" and stated a site plan will be needed to show there is sufficient parking. Mr. Yelinko stated if it is too demanding and cost prohibitive, they will do the tasting off-site. Mr. Harsley stated they are looking to start out small i.e. 7 barrels; being 31 US gallons which is the smallest size brewery you can have and make money. The first year will be set up, but the second year will be small batch taste testing (such as bringing it to the Stanhope House).

Mr. Gavan informed the applicant that being granted the interpretation may not be the end of this endeavor and there are requirements they may need to reach before equipment is installed. The site plan must show the property can handle what is proposed and that it will work with the surrounding area.

Chairman Maguire clarified the applicant is present for an interpretation. The former owner of the property had a warehouse.

Mr. Benson noted they are setting up a nominal start as far as production and he asked what type of production they anticipate a few years from now. Mr. Harsley responded if they are very successful they will expand in different towns. They will be restricted to the size of the present space.

Mr. Harsley stated there are 3 different licenses in New Jersey. They are applying for a "Limited Brewery" license which is capped at 2,050 barrels per year. The license caps how much beer they can make per year. They are looking at a brewery with 7 barrels per week which is about 420 barrels per year. The license would permit tasting on the site.

Mr. Gavan stated if the Board grants the interpretation, the applicant would not need to apply for a "D" variance, only a site plan application.

Chairman Maguire stated a decision on whether this is a permitted use will be made at the next meeting, at which the sole owner of the LLC will be present. The Board Secretary reminded the Board that the October meeting is the third Monday of the month. Chairman Maguire noted this matter will be carried to the October 16, 2017 meeting.

Mayor Maio and Ms. Zeliff-Murphy returned to the dais.

## NEW BUSINESS

2018 Budget – Chairman Maguire noted the Board received the 2018 budget request. The Board Secretary drafted a proposed budget for the Board's review. Chairman Maguire read the budgeted amounts line by line. The total budget request is \$4,085.00. On motion by Mayor Maio, seconded by Mr. Benson and carried by the following unanimous roll call vote, the Board approved the 2018 budget request.

AFFIRMATIVE: Mr. Bielanowski, Mr. Benson, Mayor Maio, Mr. Rogalo, Mr. Torelli, Ms. Zeliff-Murphy, Chairman Maguire  
OPPOSED: None  
ABSTENSIONS: None



The Board Secretary was directed to submit the 2018 budget request to the Borough's CFO.

BILLS:

	<b>Bowman Consulting Group, Ltd.</b>	
8/07/17	Re: Bruzzese Site Plan	\$245.00
8/07/17	Re: Ryan Leavy Variance	\$452.50

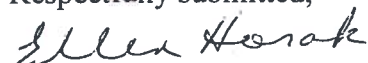
On motion by Ms. Zeliff-Murphy, seconded by Mr. Torelli, the aforesaid bills were approved on the following unanimous roll call vote:

AFFIRMATIVE: Mr. Bielanowski, Mr. Benson, Mayor Maio, Mr. Rogalo, Mr. Torelli, Ms. Zeliff-Murphy, Chairman Maguire  
OPPOSED: None  
ABSTENSIONS: None

ADJOURNMENT:

On motion by Mr. Torelli, seconded by Ms. Zeliff-Murphy, it was the consensus of the Board to adjourn the meeting at 8:10 P.M.

Respectfully submitted,



Ellen Horak, Board Secretary